



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/982,930	10/22/2001	Kailash C. Vasudeva	PAT 51400A-2	8465
26123	7590	06/06/2005	EXAMINER	
BORDEN LADNER GERVAIS LLP WORLD EXCHANGE PLAZA 100 QUEEN STREET SUITE 1100 OTTAWA, ON K1P 1J9 CANADA			TRAN, HANH VAN	
			ART UNIT	PAPER NUMBER
			3637	
DATE MAILED: 06/06/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/982,930

Applicant(s)

VASUDEVA, KAILASH C.

Examiner

Hanh V. Tran

Art Unit

3637

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-16 and 18-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-16, 18-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/16/2005 has been entered.

Claim Rejections - 35 USC § 103

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. Claims 12-16, 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over USP 4,616,891 to Jantzen in view of USP 4,259,755 to Hollander and USP 5,458,409 to Sheng.

Jantzen is cited showing a container unit including a housing 100 with bins 10, 20, 30, 40 connected together for movement between coplanar and angled positions. Jantzen discloses that the invention is suitably produced in modular form from sets of troughs or bins that maybe arranged back to back or in parallel, col. 6 lines 50-55. Jantzen discloses a handle 150 that can

Art Unit: 3637

be folded or removed and equivalent to the applicant's claims to a tab extending upwardly from an upper surface thereof and having an opening. Jantzen fails to show connection means of male and female connectors on the outside of the housing or a clip holding means. Hollander is cited showing another container device in which rows of modular housings 12 are connected by connectors 46-52 on opposite sides of each housing for the purpose of providing a stable configuration. Sheng is cited showing a clip 30 for the purpose of holding the bins closed. Since the references are from the same field of endeavor the purpose of Hollander and Sheng would have been obvious in the pertinent art of Jantzen at the time of the invention it would have been obvious for one having an ordinary skill in the art to have modified Jantzen with connectors 46-52 on opposite sides of modular units for the purpose providing a stable configuration in view of Hollander and with a clip 30 for the purpose of holding the bins closed in view of Sheng.

5. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jantzen, as modified, as applied to claim 12 above, and further in view of USP 4,401,350 to Fortune.

Jantzen, as modified, discloses all the elements as discussed above except for further comprising a carrying handle being attachable to the connection means.

Fortune teaches the idea of a modular container unit having a plurality of container units 80,81, such as shown in Fig 6, connected to each other by connection means 82, wherein a carrying handle 120 is attachable to said connection means, such as shown in Fig 18, for the purpose of carrying the modular container unit. Therefore, it would have been obvious to modify the structure of Jantzen, as modified, by providing a carrying handle attached to the connection means for the purpose of carrying the container unit, as taught by Fortune, since both

Art Unit: 3637

teach alternate conventional container unit structure, used for the same intended purpose of storing objects, thereby providing structure as claimed.

6. Claims 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jantzen, as modified, as applied to claim 12 above, and further in view of USP 5,803,254 to Vasudeva.

Jantzen, as modified, discloses all the elements as discussed above except for further comprising means for mounting the container unit in a tool box.

Vasudeva teaches the idea of providing a tool box with a container unit having a plurality of bins therein in order to provide a tool box with multiple pivotable storage compartments. Therefore, it would have been obvious to modify the structure of Jantzen, as modified, by providing means for mounting the container unit in a tool box in order to provide the tool box with multiple pivotable storage compartments, as taught by Vasudeva, since both teach alternate conventional multiple storage compartments structure, used for the same intended purpose of storage objects, thereby providing structure as claimed.

Response to Arguments

7. Applicant's arguments filed 3/16/2005 have been fully considered but they are not persuasive. In response to applicant's arguments on page 5 of the amendment that "a handle is not the same as a tab for hanging and respectfully disagrees with the Examiner's assessment", the examiner takes the position that claimed language of "a tab" fails to provide adequate structural limitation to the tab in order to distinguish applicant's tab from the prior art of record.

8. In response to applicant's arguments on page 5, paragraph #2 regarding the size and weight of the cabinet disclosed in Jantzen, the examiner takes the position that the features upon which applicant relies (i.e., size and weight) are not recited in the rejected claim(s). Although

Art Unit: 3637

the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

9. Applicant's representative was contacted with a proposed language to claim 12 in order to place the application in condition; however, no agreement was reached.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh V. Tran whose telephone number is (571) 272-6868. The examiner can normally be reached on Monday-Thursday, and alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



HVT
May 31, 2005

Hanh V. Tran
Art Unit 3637